

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
AT DAYTON

-----)
UNITED STATES OF AMERICA,)
)
Plaintiff,) CASE NO. 3:16-cr-026-TMR
)
-vs-)
)
ROBERT STEVEN JONES,) CHANGE OF PLEA
)
Defendant.)
-----)

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE **THOMAS M. ROSE**,
UNITED STATES DISTRICT JUDGE, PRESIDING
MONDAY, SEPTEMBER 25, 2017
DAYTON, OH

APPEARANCES:

For the Plaintiff: **VIPAL J. PATEL, ESQ.**
AMY M. SMITH, ESQ.
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For the Defendant: **JON PAUL RION, ESQ.**
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Also Present: Special Agent Andrea Kinzig

Proceedings recorded by mechanical stenography,
transcript produced by computer.

Mary A. Schweinhagen, RDR, CRR
Federal Official Court Reporter
200 West Second Street
Dayton, OH 45402

*** **

10:44:47 1 P-R-O-C-E-E-D-I-N-G-S 10:44 A.M.

10:44:47 2 THE COURT: We are before the Court this morning in

10:44:55 3 the matter of the *United States of America versus Robert*

10:44:58 4 *Steven Jones*. This is Case Number 3-16-cr-26. And we are

10:45:03 5 here for the purposes of this Court to consider a plea of

10:45:09 6 guilty to Counts 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, and 13 of a

10:45:24 7 Superseding Indictment that was filed in this case; Counts 1,

10:45:29 8 2, 4, 5, 7, 9, 10, and 11 charging production of child

10:45:38 9 pornography, in violation of 18, United States Code, 2251(a)

10:45:45 10 and (e); Counts 3 and 6 of that Superseding Indictment charge

10:45:51 11 coercion and enticement of a minor, in violation of 18, United

10:45:55 12 States Code, 2422(b). Count 13 charges commission of a felony

10:46:03 13 offense involving a minor by a person required to register as

10:46:09 14 a sex offender, that being in violation of 18, United States

10:46:14 15 Code, 2260A.

10:46:20 16 Would counsel please enter their appearance for the

10:46:21 17 record.

10:46:22 18 MR. PATEL: Good morning, Your Honor. Vipal Patel

10:46:24 19 for the United States, and with me at counsel table is

10:46:27 20 Assistant United States Attorney Amy Smith and the case agent

10:46:32 21 on this case, Special Agent Andrea Kinzig.

10:46:36 22 MR. RION: Jon Paul Rion for Mr. Jones.

10:46:41 23 THE COURT: Mr. Rion, I guess Mr. Jones -- if you

10:46:47 24 and Mr. Jones want to approach the podium.

10:46:50 25 Mr. Patel, the Court has listed and described each of the

10:47:00 1 charges contained within the Superseding Indictment to which
10:47:04 2 Mr. Jones is tendering pleas. Was the Court accurate in the
10:47:09 3 description and enumerating those charges?

10:47:14 4 MR. PATEL: It was, Your Honor.

10:47:16 5 THE COURT: Mr. Rion, Mr. Jones understands those
10:47:23 6 enumerated charges within the Superseding Indictment to which
10:47:26 7 he is tendering pleas, and he understands each and -- each of
10:47:31 8 those charges; is that correct?

10:47:33 9 MR. RION: Yes, Your Honor.

10:47:33 10 THE COURT: And he is ready to go forward here this
10:47:35 11 morning?

10:47:35 12 MR. RION: Yes, Your Honor.

10:47:36 13 THE COURT: How about that, Mr. Jones, are you ready
10:47:38 14 to go forward?

10:47:39 15 THE DEFENDANT: Yes, Your Honor.

10:47:41 16 THE COURT: Now, in order for me to consider your
10:47:46 17 tendered pleas, the Court does need to ask you a number of
10:47:49 18 questions. Those questions must be asked and answered while
10:47:56 19 you are under oath. The oath simply is to assure that your
10:48:02 20 answers are truthful and complete. However, I do also need to
10:48:07 21 apprise you of the fact that once you are placed under oath,
10:48:10 22 you could be prosecuted for perjury or false swearing if your
10:48:14 23 answers or responses to my inquiries were not truthful. Do
10:48:21 24 you understand?

10:48:21 25 THE DEFENDANT: Yes, Your Honor.

10:48:22 1 THE COURT: Understanding that, do you still wish to
10:48:25 2 go forward with your pleas?

10:48:26 3 THE DEFENDANT: Yes.

10:48:30 4 THE COURT: Would you please, to the best of your
10:48:32 5 ability, raise your right hand.

10:48:33 6 (Defendant sworn.)

10:48:40 7 THE COURT: Thank you.

10:48:42 8 Why don't we start, Mr. Jones, can you share with the
10:48:46 9 record your full name?

10:48:48 10 THE DEFENDANT: Robert Steven Jones.

10:48:50 11 THE COURT: And try to keep your voice up,
10:48:52 12 Mr. Jones, so we can hear you and my court reporter can make
10:48:55 13 sure that she can get an accurate record here.

10:48:58 14 How old are you, Mr. Jones?

10:48:59 15 THE DEFENDANT: 29.

10:49:01 16 THE COURT: And can you tell me the year you were
10:49:03 17 born?

10:49:03 18 THE DEFENDANT: 1988.

10:49:05 19 THE COURT: Mr. Jones, let's talk a little bit about
10:49:08 20 your educational background. How far did you go in school?

10:49:12 21 THE DEFENDANT: Some college.

10:49:14 22 THE COURT: Where did you graduate from high school?

10:49:18 23 THE DEFENDANT: I did not graduate high school. I
10:49:20 24 obtained a GED.

10:49:22 25 THE COURT: Okay. Tell me the school to which you

10:49:27 1 attended at the time that you dropped out of school.

10:49:32 2 THE DEFENDANT: I was home schooled.

10:49:34 3 THE COURT: Okay. Throughout?

10:49:35 4 THE DEFENDANT: Throughout.

10:49:37 5 THE COURT: And when did you obtain your GED?

10:49:45 6 Approximately.

10:49:46 7 THE DEFENDANT: Around 2006.

10:49:47 8 THE COURT: And then you say that once you obtained
10:49:49 9 your GED, you had some college?

10:49:53 10 THE DEFENDANT: Yes.

10:49:54 11 THE COURT: And where was that at?

10:49:56 12 THE DEFENDANT: I went to Illinois Central College.

10:49:58 13 THE COURT: And can you tell me the years you went
10:50:00 14 to Illinois Central?

10:50:03 15 THE DEFENDANT: That was also around 2006 to 2007.

10:50:08 16 THE COURT: And approximately how long were you in
10:50:10 17 college?

10:50:11 18 THE DEFENDANT: About a year.

10:50:12 19 THE COURT: Let me ask you this: Do you have any
10:50:17 20 difficulty in reading or writing or understanding the English
10:50:21 21 language?

10:50:22 22 THE DEFENDANT: No.

10:50:23 23 THE COURT: Now, Mr. Rion, of course, has talked to
10:50:25 24 you on numerous occasions about the case, about the charges
10:50:31 25 against you, about the facts that are being alleged, about the

10:50:40 1 processes and procedures. We have also gone through a number
10:50:43 2 of motions which were presented here in open court and were
10:50:48 3 ruled upon by the Court. Obviously, a lot of things have
10:50:54 4 happened in this case. Have you been able to understand what
10:51:01 5 Mr. Rion has explained and talked to you about, about what is
10:51:05 6 going on in your case?

10:51:06 7 THE DEFENDANT: Yes, Your Honor.

10:51:09 8 THE COURT: Now, some of the things you may have had
10:51:10 9 questions about. You may have not agreed or you may have
10:51:16 10 agreed or disagreed. As you have discussed those matters with
10:51:20 11 Mr. Rion, was he able to answer your questions and address
10:51:22 12 your concerns?

10:51:23 13 THE DEFENDANT: Yes.

10:51:25 14 THE COURT: A number of documents you have reviewed
10:51:31 15 with the help of Mr. Rion: of course the motion documents,
10:51:36 16 the charging documents, the plea which we will be reviewing
10:51:41 17 here in just a few moments, the factual statement. Have you
10:51:45 18 carefully reviewed, with the assistance of Mr. Rion, those
10:51:50 19 documents?

10:51:50 20 THE DEFENDANT: Yes, Your Honor.

10:51:51 21 THE COURT: And as you reviewed those documents, if
10:51:56 22 you had any questions or you were unable to understand a
10:52:00 23 portion of them or a document, were you able to ask your
10:52:04 24 questions of Mr. Rion and was Mr. Rion able to answer those
10:52:08 25 questions with regard to those documents and address your

10:52:11 1 concerns with regard to any issues that may arise?

10:52:15 2 THE DEFENDANT: Yes.

10:52:16 3 THE COURT: At this point in time, based upon your
10:52:19 4 conversations with Mr. Rion, based upon your review of all the
10:52:23 5 documents that you have seen and reviewed with his assistance,
10:52:27 6 do you have any questions at this point in time about any
10:52:30 7 documents or anything that has been discussed between you and
10:52:34 8 Mr. Rion?

10:52:35 9 THE DEFENDANT: No.

10:52:41 10 THE COURT: Let's talk about a couple of the
10:52:45 11 documents, though. The first document I just want to
10:52:51 12 reference you to is the Superseding Indictment. Now, that is
10:52:55 13 what we call the charging document. That is the Indictment
10:53:00 14 that was returned by a grand jury, and that is the Indictment
10:53:04 15 that contains the counts to which you are tendering pleas of
10:53:10 16 guilty. Did you, with Mr. Rion's assistance, carefully review
10:53:17 17 that Superseding Indictment and, specifically, the counts to
10:53:22 18 which you are pleading, Counts 1, 2, 3, 4, 5, 6, 7, 9, 10, 11,
10:53:32 19 and 13?

10:53:34 20 THE DEFENDANT: Yes.

10:53:35 21 THE COURT: After that review, do you believe that
10:53:38 22 you fully understand each and every one of those charges that
10:53:44 23 are contained within the Superseding Indictment?

10:53:46 24 THE DEFENDANT: I do.

10:53:49 25 THE COURT: If you had any questions about those

10:53:51 1 charges, were you able to discuss those with Mr. Rion and was
10:53:57 2 Mr. Rion able to answer your questions and address your
10:54:01 3 concerns?

10:54:02 4 THE DEFENDANT: I still do have a question about
10:54:07 5 Count 13 that we haven't been able to resolve yet.

10:54:14 6 MR. RION: May I explain that so the record's clear?

10:54:17 7 THE COURT: Sure.

10:54:17 8 MR. RION: In juvenile court, there was an order
10:54:21 9 that was issued. We are trying to resolve it, and I think
10:54:24 10 it's been resolved minus the one finding. There is a question
10:54:29 11 as to whether or not on Count 13 he was sentenced to register
10:54:33 12 for life in which he could then petition after ten years, or
10:54:37 13 whether or not he was simply sentenced to ten years.

10:54:41 14 We have made contact with an attorney in Illinois, with
10:54:43 15 the probation department in Illinois, with the probation
10:54:46 16 department here to make contact with the probation department
10:54:49 17 in Illinois. We asked the U.S. Attorney's Office to look into
10:54:52 18 it. We have also contacted the various agencies that would be
10:54:57 19 responsible for the reporting. All of our information
10:55:01 20 indicates that it is, in fact, a lifetime sentence in which he
10:55:05 21 could petition after ten years to have removed. However,
10:55:10 22 Mr. Jones is of the opinion that his memory and his father's
10:55:15 23 memory is that it was a ten-year registration, since it was a
10:55:19 24 couple months before the Adam Walsh Act, and so that's the
10:55:26 25 reservation of which he has raised.

10:55:28 1 Mr. Patel and I have talked about it over the last 45
10:55:31 2 days or so at length, and that's the only concern as it
10:55:35 3 relates to that count. But to the best of our abilities, the
10:55:38 4 information seems to indicate that that's what the entry
10:55:41 5 states.

10:55:42 6 THE COURT: Counsel, approach.

10:55:52 7 (Sidebar off the record.)

11:02:14 8 THE COURT: We're back on the record. The Court
11:03:27 9 left the record based upon a question that Mr. Jones has
11:03:33 10 indicated that he has raised or that he had a question and
11:03:41 11 that at this point in time I am going to let -- Mr. Rion, do
11:03:45 12 you want to clarify what Mr. Jones' position is here?

11:03:48 13 MR. RION: Mr. Jones acknowledges that at the time
11:03:51 14 of these offenses, that he was aware that there was an order
11:03:55 15 in effect that caused him to have to register. Whether that
11:04:00 16 order was valid I think was his concern. But given the
11:04:06 17 elements of the offense as they are at this time, he is
11:04:09 18 willing to go forward with this plea. I don't think we have
11:04:17 19 anything else to add if that clarifies the record.

11:04:21 20 We have checked with probation, both in Illinois and
11:04:23 21 here, and law enforcement, and that order appears to have been
11:04:28 22 in effect. In addition, we spoke to his attorney in Illinois,
11:04:34 23 which he had no contra information.

11:04:36 24 THE COURT: Mr. Patel, anything?

11:04:38 25 MR. PATEL: Your Honor, my understanding is that

11:04:43 1 clearly the defendant is indicating an awareness of the
11:04:47 2 elements of the offense, what's being charged against him,
11:04:50 3 which is that he has committed the offenses charged in the
11:04:55 4 Superseding Indictment during a time he was required to
11:04:57 5 register as a sex offender.

11:05:04 6 At this point, we are establishing that he is aware of
11:05:06 7 that charge. Certainly by this discussion the Court has had
11:05:09 8 with counsel and defendant, he is aware of the charge. Now,
11:05:11 9 later, also as a part of this Plea Agreement, he is pleading
11:05:15 10 guilty and is admitting to that offense and element. And so
11:05:18 11 we are ready to proceed.

11:05:19 12 THE COURT: All right. So, Mr. Jones, you have
11:05:30 13 heard the clarifications that have been made by counsel. You
11:05:36 14 do stand -- based upon your understanding, you do wish to
11:05:42 15 proceed with your pleas of guilty to all counts, 1, 2, 3, 4,
11:05:48 16 5, 6, 7, 9, 10, 11, and 13?

11:05:52 17 THE DEFENDANT: Yes, Your Honor.

11:06:07 18 THE COURT: Another document then that we need to
11:06:12 19 talk about, not only is it important that you understand these
11:06:14 20 charges and what these charges are to enter a plea of guilty
11:06:16 21 to them, you also need to understand the facts that are being
11:06:20 22 alleged to underlie those charges. And another document that
11:06:26 23 you have reviewed, or the Court is assuming that you have
11:06:31 24 reviewed with your counsel, Mr. Rion, is the factual statement
11:06:39 25 that underlies or allegedly underlies the facts that are --

11:06:44 1 underlies the charges that are contained in the Superseding
11:06:47 2 Indictment. That attachment is a four-page document and
11:06:51 3 contains paragraphs of facts that the government is alleging
11:06:55 4 underlies these various counts. Have you, with the help of
11:07:00 5 Mr. Rion, carefully reviewed that Statement of Facts?

11:07:03 6 THE DEFENDANT: Yes, Your Honor.

11:07:03 7 THE COURT: During that review, if you had any
11:07:07 8 questions or concerns, were you able to discuss those
11:07:09 9 questions and those concerns with Mr. Rion, and was he able to
11:07:14 10 answer any questions that you may have had, address your
11:07:17 11 concerns with regard to the Statement of Facts?

11:07:19 12 THE DEFENDANT: Yes, Your Honor.

11:07:20 13 THE COURT: Are these then the Statement of Facts
11:07:24 14 that are contained in Attachment A upon these four pages, are
11:07:30 15 these the facts to which you wish to enter pleas of guilty to?

11:07:35 16 THE DEFENDANT: Yes, Your Honor.

11:07:38 17 THE COURT: What the Court would like to do then,
11:07:41 18 Mr. Jones, is to acknowledge your acceptance of the factual
11:07:45 19 statement, I am going to have Mr. Patel read the factual
11:07:49 20 statement onto the record. I know it's a fairly lengthy
11:07:52 21 record, or statement. But I want you to listen carefully as
11:07:56 22 he reads over those facts. If you have a copy of the
11:08:02 23 Statement of Facts, Attachment A, there before you, feel free
11:08:06 24 to follow along as he reads.

11:08:08 25 Once he's done reading, I am going to ask you the

11:08:12 1 following questions: I am going to ask you whether you
11:08:15 2 understood what he read; I am going to ask you whether or not
11:08:17 3 you have any questions about what he read; I am going to ask
11:08:23 4 you if those are the facts to which you wish to enter pleas of
11:08:27 5 guilty to; and my final question will be, are you pleading
11:08:30 6 guilty to those -- are you making your guilty pleas to those
11:08:37 7 facts because those facts are indeed true.

11:08:40 8 Do you understand how we are going to proceed?

11:08:42 9 THE DEFENDANT: Yes, Your Honor.

11:08:43 10 THE COURT: Mr. Patel.

11:08:45 11 MR. PATEL: Thank you, Your Honor.

11:08:48 12 MR. RION: I am sorry. Do you want us to stay
11:08:51 13 standing during the reading?

11:08:54 14 THE COURT: I have no objection if you want to sit
11:08:56 15 down.

11:08:57 16 MR. PATEL: Your Honor, the Statement of Facts which
11:08:59 17 is attached to the Plea Agreement as Attachment A reads as
11:09:03 18 follows: On or about September 4, 2013, defendant Robert
11:09:10 19 Steven Jones, while living with his then girlfriend in
11:09:13 20 Illinois, recorded himself engaging in masturbation and other
11:09:18 21 sexual acts as defined in Title 18, United States Code,
11:09:21 22 Section 2246(2) with and on an infant, who was approximately
11:09:33 23 seven months old, including conduct that was described in
11:09:37 24 Title 18, United States Code, Section 2241(A). The video and
11:09:41 25 audio recording, which defendant made using his ZTE cell phone

11:09:46 1 bearing serial number 320930103305 is approximately 4 minutes
11:09:56 2 and 45 seconds in duration. The video depicts defendant
11:10:01 3 masterbating, placing his penis in contact with the infant's
11:10:04 4 mouth, and ejaculating on the infant's mouth and face. It
11:10:12 5 also depicts defendant engaging in acts of physical violence
11:10:17 6 against the infant, including slapping, punching, shaking,
11:10:23 7 restraining, and suffocating the infant. In or about June
11:10:27 8 2014, defendant moved first to Sidney, Ohio, then to Piqua,
11:10:32 9 Ohio, and later to Anna, Ohio, all within the Southern
11:10:38 10 District of Ohio. When he moved to the Southern District of
11:10:42 11 Ohio after moving from Illinois to Indiana, defendant brought
11:10:46 12 his ZTE cell phone, which still contained the recording, with
11:10:52 13 him. On or about August 21, 2015, law enforcement officers
11:10:57 14 found and seized the cell phone during execution of a search
11:11:01 15 warrant at his residence in Anna, Ohio. A subsequent forensic
11:11:07 16 examination uncovered the recording.

11:11:08 17 On or about September 7, 2013, defendant recorded himself
11:11:15 18 engaging in similar sexually explicit conduct with and on the
11:11:20 19 same infant. The video and audio recording, which defendant
11:11:25 20 also made using his ZTE cell phone while living in Illinois,
11:11:29 21 is approximately 10 minutes in duration. The video begins by
11:11:35 22 depicting defendant tying a material around the infant's face
11:11:41 23 using what appears to be a belt. Defendant then sits on the
11:11:45 24 infant's face, masterbates while sometimes touching his penis
11:11:51 25 to the infant's penis, and ejaculates onto the infant.

11:11:57 1 Similar to the September 4, 2013, recording, the video depicts
11:12:02 2 defendant engaging in acts of violence against the infant,
11:12:05 3 including slapping and hitting him. It also depicts defendant
11:12:12 4 touching and flicking the infant's penis for purposes of
11:12:18 5 defendant's sexual gratification. It further depicts
11:12:22 6 defendant holding the infant up to the camera while smothering
11:12:25 7 and choking the infant to such an extent that the infant
11:12:29 8 slowly became limp and turned a bluish color, apparently
11:12:34 9 unconscious. While doing so, defendant faced the camera,
11:12:37 10 making various comments, including, "you want to see a baby
11:12:43 11 pass the fuck out," "watch this," "see the spasms, see the
11:12:55 12 spasms, he is getting ready to pass out," "the baby's been
11:13:02 13 passed the fuck out," "that's a dead baby, that's a dead
11:13:09 14 fucking baby, yeah, dead fucking baby." Defendant then threw
11:13:17 15 and struck the infant. The recording similarly was found on
11:13:21 16 defendant's ZTE cell phone after it was seized pursuant to the
11:13:27 17 search warrant executed on or about August 21, 2015, at
11:13:32 18 defendant's residence in Anna, Ohio. The infant was, at the
11:13:35 19 time of both recordings, in the custody, care, and supervisory
11:13:39 20 control of defendant.

11:13:45 21 From in or about July 2015 until on or about November 4,
11:13:49 22 2015, within the Southern District of Ohio, defendant, using
11:13:52 23 any facility and means of interstate and foreign commerce,
11:13:55 24 including social networking websites and Internet-based text-
11:14:00 25 messaging applications, knowingly persuaded, induced, enticed,

11:14:05 1 coerced, and unduly influenced a female minor, identified
11:14:08 2 herein as "Minor A," to engage in prohibited sexual acts with
11:14:11 3 defendant. In or about July 2015, defendant met Minor A on a
11:14:15 4 dating-focused/social-networking website. Defendant, who was
11:14:20 5 27 years old at the time, and Minor A, who was 15 years old at
11:14:23 6 the time, then started communicating via an Internet-based
11:14:28 7 text message application. Defendant engaged in prohibited
11:14:33 8 sexual acts with Minor A, including sexual intercourse and
11:14:39 9 other sexually explicit conduct, spanning the approximate time
11:14:43 10 period July 18, 2015, to November 4, 2015, sometimes at hotel
11:14:47 11 rooms arranged and paid for by defendant. During this time
11:14:51 12 span, within the Southern District of Ohio, defendant
11:14:54 13 employed, used, persuaded, induced, enticed, and coerced Minor
11:14:59 14 A to engage in sexually explicit conduct for the purpose of
11:15:02 15 producing visual depictions of such conduct. On or about July
11:15:06 16 18, 2015, defendant took photographs of Minor A using his
11:15:12 17 iPhone 6 bearing IMEI number 358372062039301, including two
11:15:27 18 photographs depicting Minor A nude and four photographs
11:15:31 19 depicting close-up images of her vagina. On or about August
11:15:37 20 2, 2015, defendant took photographs of Minor A using his same
11:15:41 21 iPhone 6, including three close-up images of Minor A's vagina.
11:15:47 22 On or about August -- I am sorry. On or about October 3,
11:15:51 23 2015, defendant similarly took pictures of Minor A with
11:15:56 24 another one of his iPhone 6s, this one bearing IMEI number
11:16:01 25 359307064821487, including one depicting Minor A nude with her

11:16:12 1 legs spread apart and the image focused on her vagina and
11:16:16 2 another depicting a close-up of her vagina.

11:16:21 3 From on or about August 5, 2015 until on or about October
11:16:26 4 18, 2015, within the Southern District of Ohio, defendant,
11:16:30 5 using any facility and means of interstate and foreign
11:16:33 6 commerce, including Internet-based text-messaging
11:16:35 7 applications, knowingly persuaded, induced, enticed, coerced,
11:16:40 8 and unduly influenced a female minor, identified herein as
11:16:44 9 "Minor B," to engage in prohibited sexual acts with defendant.
11:16:48 10 In or about August 2015, defendant met Minor B through Minor
11:16:53 11 A. Defendant, who was 27 years old at the time, and Minor B,
11:16:56 12 who was 15 years old at the time, communicated with each other
11:16:59 13 via an Internet-based text message application. Defendant
11:17:04 14 engaged in prohibited sexual acts with Minor A -- Your Honor,
11:17:13 15 may I have a moment?

11:17:15 16 THE COURT: Sure.

11:17:48 17 MR. PATEL: Your Honor, as I read that, I realized
11:17:53 18 there was a typo. I had referred to the defendant engaging in
11:17:58 19 prohibited sexual activities with "Minor A." That should have
11:18:01 20 been "Minor B." I will reread that sentence.

11:18:02 21 Defendant engaged in prohibited sexual acts with Minor B,
11:18:06 22 including sexual intercourse and other sexually explicit
11:18:08 23 conduct, on approximately three occasions spanning the
11:18:11 24 approximate time period August 5, 2015, to August 31, 2015, at
11:18:18 25 hotel rooms arranged and paid for by defendant. During this

11:18:22 1 time span, within the Southern District of Ohio, defendant
11:18:26 2 employed, used, persuaded, induced, enticed, and coerced Minor
11:18:30 3 B to engage in sexually explicit conduct for the purpose of
11:18:33 4 producing visual depictions of such conduct. On or about
11:18:37 5 August 30, 2015, defendant took photographs of Minor B using
11:18:42 6 his iPhone 6 bearing IMEI number 359307064821487, including
11:18:51 7 two close-up images depicting Minor B's vagina while defendant
11:18:55 8 pulled aside her underwear. Minor B took other similar
11:18:59 9 photographs of herself using her cell phone and sent these
11:19:04 10 photographs to defendant. For example, on August 12, 2015,
11:19:09 11 Minor B took three photographs that depicted her nude,
11:19:13 12 including one that depicted a close-up image of her vagina,
11:19:16 13 and sent them via the Internet-based text-messaging
11:19:20 14 application to defendant.

11:19:22 15 On or about October 14, 2015, within the Southern
11:19:26 16 District of Ohio, defendant attempted to employ, use,
11:19:30 17 persuade, induce, entice, and coerce a female minor,
11:19:34 18 identified herein as "Minor C," to engage in sexually explicit
11:19:38 19 conduct for the purposes of producing visual depictions of
11:19:41 20 such conduct. Defendant, who was 27 years old at the time,
11:19:44 21 and Minor C, who was 16 years old at the time and resided in
11:19:48 22 Indiana, communicated with each other via an Internet-based
11:19:52 23 text message application from approximately October 4, 2015,
11:19:57 24 to November 4, 2015.

11:20:00 25 THE COURT: Mr. Patel, did you say October 4 or

11:20:04 1 October 14?

11:20:05 2 MR. PATEL: If I said October 4, I misspoke. It
11:20:08 3 should have been October 14, 2015, to November 4, 2015. On or
11:20:16 4 about October 14, 2015, defendant requested nude photographs
11:20:20 5 of Minor C's vagina in an attempt to get her to produce and
11:20:24 6 send him child pornography. Defendant utilized his iPhone 6
11:20:28 7 bearing IMEI number 359307064821487 to communicate with Minor
11:20:36 8 C.

11:20:38 9 From on or about October 8, 2015, until on or about
11:20:43 10 October 9, 2015, within the Southern District of Ohio,
11:20:46 11 defendant attempted to employ, use, persuade, induce, entice,
11:20:50 12 and coerce a minor female, identified herein as "Minor D," to
11:20:55 13 engage in sexually explicit conduct for the purpose of
11:20:58 14 producing visual depictions of such conduct. Defendant, who
11:21:01 15 was 27 years old at the time, and Minor D, who was 15 years
11:21:05 16 old at the time and resided in North Carolina, communicated
11:21:09 17 with each other via an Internet-based text-messaging
11:21:14 18 application. On or about October 8, 2015, and October 9,
11:21:20 19 2015, defendant requested nude photographs of Minor D's vagina
11:21:23 20 and buttocks in an attempt to get her to produce and send him
11:21:26 21 child pornography. Defendant utilized his iPhone bearing IMEI
11:21:31 22 number 359307064821487 to communicate with Minor D.

11:21:40 23 From on or about October 12, 2015, until on or about
11:21:45 24 October 18, 2015, within the Southern District of Ohio,
11:21:48 25 defendant employed, used, persuaded, induced, enticed, and

11:21:51 1 coerced a female minor, identified herein as "Minor E," to
11:21:55 2 engage in sexually explicit conduct for the purpose of
11:21:58 3 producing visual depictions of such conduct. Defendant, who
11:22:01 4 was 27 years old at the time, and Minor E, who was 13 years
11:22:06 5 old at the time and resided in New York, communicated with
11:22:10 6 each other via an Internet-based text message application from
11:22:14 7 approximately October 12, 2015, to November 4, 2015. From on
11:22:20 8 or about October 12, 2015, to October 18, 2015, defendant
11:22:24 9 requested photographs and videos of Minor E engaged in
11:22:28 10 sexually explicit conduct. Minor E produced and sent
11:22:32 11 defendant approximately seven images and five videos of her
11:22:36 12 engaged in sexually explicit conduct and which depict child
11:22:40 13 pornography. Defendant utilized his iPhone 6 bearing IMEI
11:22:45 14 number 359307064821487 to communicate with Minor E and receive
11:22:52 15 the files depicting child pornography.

11:22:56 16 In or about July 2015, within the Southern District of
11:22:59 17 Ohio, defendant engaged in prohibited sexual acts on at least
11:23:03 18 two occasions with a seven-year-old female minor, identified
11:23:08 19 herein as "Minor F," at his residence in Miami County, Ohio.
11:23:14 20 This sexually explicit conduct included touching and fondling
11:23:20 21 Minor F's nude vagina. Defendant produced two videos of this
11:23:25 22 sexually explicit conduct on or about July 20 and 21, 2015,
11:23:31 23 respectively, using his iPhone 6 IMEI number 358372062039301.

11:23:45 24 From approximately 2013 to early 2015, defendant
11:23:49 25 communicated with a female minor, identified herein as "Minor

11:23:53 1 G," using an Internet-based text-messaging application and
11:23:58 2 cellular telephone communications. At the time the
11:24:01 3 communications began, defendant was approximately 25 years old
11:24:03 4 and resided in Illinois and Minor G was 13 or 14 years old and
11:24:10 5 resided in Tennessee. At defendant's direction, Minor G
11:24:13 6 produced at least 16 photographs of herself which depicted
11:24:17 7 child pornography and sent these photographs to defendant.
11:24:20 8 Defendant primarily used his ZTE cell phone, serial number
11:24:29 9 320930103305, to communicate with Minor G and receive the
11:24:32 10 images, and he later transported this cell phone along with
11:24:37 11 the images to the Southern District of Ohio. In addition, in
11:24:43 12 or about -- in or around August 2013, when Minor G was 14
11:24:47 13 years old, defendant traveled to Illinois -- I am sorry --
11:24:52 14 traveled from Illinois to Tennessee to meet with Minor G.
11:24:57 15 Defendant engaged in prohibited sexual acts with Minor G at a
11:25:01 16 hotel in Tennessee. While at the hotel, defendant took at
11:25:07 17 least three photographs of Minor G using his iPod. These
11:25:10 18 photographs depicted child pornography in that they depicted a
11:25:16 19 lascivious display of Minor G's genitalia.

11:25:20 20 From approximately 2013 to early 2014, defendant
11:25:24 21 communicated with a minor female identified herein as Minor H
11:25:31 22 using an Internet-based text-messaging application. At the
11:25:33 23 time the communications began, defendant was approximately 25
11:25:35 24 years old and resided in Illinois, and Minor H was
11:25:38 25 approximately 13 years old and resided in Tennessee. At

11:25:44 1 defendant's direction, Minor G produced at least three
11:25:47 2 photographs of herself which depicted child pornography and
11:25:50 3 sent these images to defendant. These images were later
11:25:56 4 uploaded to defendant's iCloud account.

11:26:01 5 From approximately June 2014 to July 2014, within the
11:26:05 6 Southern District of Ohio, defendant communicated with a
11:26:07 7 female minor identified herein as "Minor I." Defendant met
11:26:12 8 Minor I on a dating/social-networking website. Defendant, who
11:26:16 9 was 26 years old at the time, and Minor I, who was 15 years
11:26:20 10 old at the time, then started communicating via an Internet-
11:26:23 11 based text-messaging application. After Minor I turned 16
11:26:30 12 years old, defendant engaged in sexually explicit conduct with
11:26:33 13 her. On or about July 10, 2013, defendant took two -- I am
11:26:39 14 sorry -- defendant took photographs of Minor I using his
11:26:43 15 iPhone 5, IMEI number 013888008166962, including two depicting
11:26:56 16 Minor I nude with her legs spread apart and one depicting a
11:27:00 17 close-up image of Minor I's vagina. These photographs
11:27:04 18 depicted child pornography in that they depicted a lascivious
11:27:08 19 display of Minor I's genitalia.

11:27:13 20 From approximately late 2014 to mid 2015, within the
11:27:17 21 Southern District of Ohio, defendant communicated with a
11:27:19 22 female minor identified herein as "Minor J." Defendant met
11:27:25 23 Minor J on a teen dating/social dating website. Defendant,
11:27:30 24 who was approximately 26 years old at the time, and Minor J,
11:27:34 25 who was 14 years old at the time, then began communicating

11:27:36 1 with each other via an Internet-based text-messaging
11:27:39 2 application. Defendant engaged in prohibited sexual acts with
11:27:43 3 Minor J on at least three occasions, including at hotel rooms
11:27:48 4 arranged and paid for by defendant.

11:27:51 5 At the times defendant committed the offenses of
11:27:55 6 conviction and the other offenses described herein, he was
11:27:58 7 required to register as a sex offender.

11:28:00 8 The five devices identified herein, the ZTE cell phone,
11:28:04 9 the two iPhone 6s, iPhone 5, and iPod, were manufactured
11:28:10 10 outside the state of Ohio.

11:28:16 11 Your Honor, the Statement of Facts ends with an assertion
11:28:18 12 that the defendant has read the Statement of Facts and has
11:28:20 13 carefully reviewed it with his attorney, and he acknowledges
11:28:23 14 that it is, in fact, true and correct. And, Your Honor, the
11:28:33 15 statement has been signed and dated, as well as acknowledged
11:28:37 16 by his counsel.

11:28:40 17 Before I finish, Your Honor, earlier I had referred to
11:28:48 18 Minor H, and the sentence after that, there was another typo,
11:28:54 19 it looks like, where I refer to Minor G. That was, in fact,
11:28:58 20 Minor H. We will make sure we will correct that in the
11:29:01 21 Statement of Facts before it gets filed.

11:29:02 22 THE COURT: Where was that?

11:29:04 23 MR. PATEL: That was at the end of page -- I am
11:29:06 24 sorry -- the beginning of page 4, the very top. You will see
11:29:12 25 "direction, Minor G."

11:29:14 1 THE COURT: Right.

11:29:14 2 MR. PATEL: That should be "Minor H."

11:29:17 3 THE COURT: All right. What I would like to --
11:29:21 4 okay.

11:29:22 5 First, Mr. Jones, did you understand, as has been
11:29:28 6 clarified, the reading by Mr. Patel, the facts that have been
11:29:32 7 alleged against you that underlie the counts to which you wish
11:29:38 8 to tender pleas of guilty?

11:29:40 9 THE DEFENDANT: Yes, Your Honor.

11:29:42 10 THE COURT: And you understand those two corrections
11:29:44 11 that Mr. Patel has indicated for the record on page 2,
11:29:52 12 making -- I believe changing the reference to "Minor A" to
11:29:59 13 "Minor B," and on page 4, changing the reference to "Minor G"
11:30:05 14 to "Minor H." Do you understand those corrections?

11:30:09 15 THE DEFENDANT: Yes, Your Honor.

11:30:10 16 THE COURT: Do you have any questions then about
11:30:15 17 that Statement of Facts that are contained within those four
11:30:19 18 pages and as read upon the record as modified by Mr. Patel?

11:30:25 19 THE DEFENDANT: No, Your Honor.

11:30:26 20 THE COURT: Are those the facts, as modified and as
11:30:29 21 shared with the record, that you wish to enter pleas of guilty
11:30:33 22 to?

11:30:34 23 THE DEFENDANT: Yes.

11:30:37 24 THE COURT: And are you pleading guilty to these --
11:30:40 25 are you making these pleas to these facts because these facts

11:30:44 1 as shared with the record and as contained in statement -- or
11:30:49 2 Attachment A, Statement of Facts, as modified are true?

11:30:52 3 THE DEFENDANT: Yes, Your Honor.

11:30:53 4 THE COURT: What I'd like to do -- and I believe
11:30:56 5 it's already been accomplished -- but for the record, it is my
11:31:01 6 understanding that Mr. Jones has reviewed the Statement of
11:31:07 7 Facts with counsel, Mr. Rion; that after that review, they
11:31:14 8 have, on I believe September the 19th, 2017, signed the
11:31:19 9 Statement of Facts indicating that they had reviewed the facts
11:31:26 10 and acknowledge them as true and correct.

11:31:29 11 It's my understanding also that Mr. Jones and Mr. Rion
11:31:34 12 have initialed the bottom of the other pages, pages 1 through
11:31:39 13 3, in addition to the signature page, page 4. And it's
11:31:49 14 further my understanding, Mr. Patel, you have initialed the
11:31:51 15 bottom of each of the pages of the factual statement, pages 1
11:31:56 16 through 4; is that correct?

11:31:57 17 MR. PATEL: All that is correct, Your Honor, and all
11:31:59 18 that has been accomplished, as well as the two corrections
11:32:02 19 Your Honor mentioned have also been initialed by all parties.

11:32:06 20 THE COURT: Very good.

11:32:07 21 Well, Mr. Jones, we need to talk about a few other
11:32:11 22 things. One, it's not only important in entering pleas of
11:32:15 23 guilty that you fully understand what the charges are to which
11:32:19 24 you are pleading and what the facts are that are alleged upon
11:32:24 25 which those facts -- those charges are based, but in order to

11:32:28 1 be a knowing and voluntary plea, it's important that you do
11:32:32 2 understand what can happen by entering these pleas if the
11:32:37 3 Court would accept the pleas and make findings of guilty. It
11:32:40 4 is also important that you understand what process the Court
11:32:45 5 will go through, what factors the Court will be considering in
11:32:50 6 coming up with a disposition in a case, a disposition that
11:32:55 7 meets the goals of sentencing but is not more than is
11:32:58 8 necessary.

11:32:59 9 So we are going to talk about several things. We are
11:33:02 10 going to talk first about the maximum penalties that could be
11:33:06 11 imposed upon an individual who has been convicted of these
11:33:11 12 offenses. We are also going to talk about how the Court comes
11:33:18 13 up with a disposition, what are the factors of sentencing that
11:33:22 14 the Court considers in coming up with a disposition.

11:33:27 15 Please understand the Court will be sharing these maximum
11:33:31 16 penalties for these violations with you and the record. It
11:33:35 17 doesn't mean the Court's decided to impose maximum sentences.
11:33:39 18 It means, however, that it is important for your pleas to be
11:33:43 19 knowing and voluntary that you fully understand everything
11:33:46 20 that can happen, including the maximums that could be imposed.
11:33:50 21 Do you understand?

11:33:51 22 THE DEFENDANT: Yes, Your Honor.

11:33:52 23 THE COURT: Well, let's first talk about the maximum
11:33:58 24 sentences that can be imposed for these violations. And these
11:34:01 25 are contained, these maximums are contained in provision 2 of

11:34:07 1 your Plea Agreement which you have reviewed with Mr. Rion, but
11:34:10 2 the Court is going to share these with the record and just
11:34:13 3 confirm its understanding that you fully understand those
11:34:18 4 maximum penalties.

11:34:20 5 You understand that for Counts 1, 2, 4, 5, 7, 9, 10, and
11:34:32 6 11, those are the charges of production of child pornography,
11:34:38 7 violations of 18, United States Code, 2251(a) and (e), the
11:34:47 8 maximum penalty is 30 years of imprisonment, but there is a
11:34:50 9 mandatory minimum for those counts, each count, of 15 years.
11:34:56 10 Do you understand?

11:34:57 11 THE DEFENDANT: Yes, Your Honor.

11:34:58 12 THE COURT: Do you have any questions about that?

11:35:00 13 THE DEFENDANT: No, Your Honor.

11:35:01 14 THE COURT: If the Court, with regard to any of
11:35:03 15 those counts, elected to impose a fine, the Court could fine
11:35:08 16 up to \$250,000. Do you understand?

11:35:12 17 THE DEFENDANT: Yes.

11:35:12 18 THE COURT: In addition to any term of
11:35:16 19 incarceration, you understand that there is subsequently an
11:35:20 20 imposed term of supervision. You understand that with regard
11:35:25 21 to these violations, with these counts of violations, at
11:35:31 22 least -- there would be at least a supervision -- supervised
11:35:34 23 release term of five years. It could be up to life. Do you
11:35:39 24 understand?

11:35:40 25 THE DEFENDANT: Yes, Your Honor.

11:35:41 1 THE COURT: Do you have any questions then about the
11:35:43 2 maximum penalties that could be imposed upon Counts 1, 2, 4,
11:35:49 3 5, 7, 9, 10, and 11?

11:35:53 4 THE DEFENDANT: No, Your Honor.

11:35:53 5 THE COURT: As to Counts 3 and 6, which are the
11:35:56 6 charges of coercion and enticement of a minor, a violation of
11:36:00 7 18, United States Code, 2422(b), you understand that the
11:36:06 8 maximum penalty is life in prison. Do you understand that?

11:36:12 9 THE DEFENDANT: Yes, Your Honor.

11:36:13 10 THE COURT: Do you understand also that for each of
11:36:15 11 those counts there is also a mandatory minimum of ten years
11:36:20 12 that must be imposed. Do you understand?

11:36:22 13 THE DEFENDANT: Yes.

11:36:23 14 THE COURT: Again, if the Court elected to impose a
11:36:27 15 fine on these counts, a fine could be imposed up to \$250,000.
11:36:35 16 And in addition to a term of incarceration subsequent to that,
11:36:41 17 a term of supervised release would be at least five years but
11:36:46 18 could be, again, up to lifetime. Do you understand?

11:36:49 19 THE DEFENDANT: Yes, Your Honor.

11:36:50 20 THE COURT: Do you have any questions about those
11:36:55 21 maximums with regard to Counts 3 and 6?

11:36:59 22 THE DEFENDANT: No.

11:37:00 23 THE COURT: With regard to Count 13, and that is the
11:37:06 24 charge of commission of felony offense involving a minor by a
11:37:09 25 person required to register as a sex offender, a violation of

11:37:13 1 18, United States Code, 2260A, do you understand that that
11:37:20 2 violation, the term of imprisonment to be served, is ten
11:37:28 3 years. Do you understand?

11:37:28 4 THE DEFENDANT: Yes, Your Honor.

11:37:28 5 THE COURT: And you understand that that ten years,
11:37:31 6 unlike -- I will review this with you -- unlike the other
11:37:36 7 terms of incarceration, must be served consecutive, which
11:37:41 8 means must be served additionally to any other terms of
11:37:46 9 imprisonment that may be imposed upon you, in this case on
11:37:51 10 Counts 1, 2, 3, 4, 5, 6, 7, 9, 10, and 11. Do you understand?

11:37:58 11 THE DEFENDANT: Yes, Your Honor.

11:37:59 12 THE COURT: With regard to Count 13, again, a fine
11:38:02 13 could be imposed of up to \$250,000. And, again, supervision
11:38:10 14 after the term of incarceration would be up to three years.
11:38:14 15 Do you understand?

11:38:15 16 THE DEFENDANT: Yes.

11:38:15 17 THE COURT: Now, do you have any questions about
11:38:20 18 those maximums or the mandatory minimums that the Court has
11:38:24 19 reviewed with you?

11:38:25 20 THE DEFENDANT: No, Your Honor.

11:38:26 21 THE COURT: All right. You further must
11:38:30 22 understand -- and obviously it is contained within your Plea
11:38:35 23 Agreement as I previously stated -- the terms of imprisonment
11:38:39 24 that are imposed on Counts 1, 2, 3, 4, 5, 6, 7, 9, 10, and 11
11:38:46 25 may be imposed concurrently, meaning at the same time, you

11:38:54 1 would serve those terms at the same time, concurrently with,
11:38:57 2 or could be imposed consecutive to each other. Do you
11:39:02 3 understand?

11:39:02 4 THE DEFENDANT: Yes, Your Honor.

11:39:03 5 THE COURT: But as I have indicated, Count 13,
11:39:10 6 unlike these other counts, the term of imprisonment imposed on
11:39:13 7 Count 13 must, must run consecutively. Do you understand?

11:39:18 8 THE DEFENDANT: Yes.

11:39:19 9 THE COURT: In addition to those maximums and
11:39:30 10 mandatory minimums, there are just several other things that I
11:39:34 11 want to reference. One, you understand that forfeiture
11:39:42 12 applies. And the Court further not only has the authority to
11:39:50 13 order restitution but must order restitution pursuant to 18,
11:39:54 14 United States Code, 2259 and 3663(a). Do you understand?

11:40:00 15 THE DEFENDANT: Yes, Your Honor.

11:40:01 16 THE COURT: And in addition, all of these counts,
11:40:06 17 there is an obligation to impose -- or a mandate on the Court
11:40:11 18 to impose a \$100 special assessment for each count of
11:40:15 19 conviction. Do you understand?

11:40:16 20 THE DEFENDANT: Yes.

11:40:17 21 THE COURT: And, finally, pursuant to 18, U.S.C.,
11:40:22 22 3014(a), the Court has an obligation and is mandated to impose
11:40:27 23 an additional \$5,000 special assessment for each count of
11:40:32 24 conviction unless the Court would find that a defendant, you
11:40:39 25 in this case, to be indigent. Do you understand?

11:40:42 1 THE DEFENDANT: Yes, Your Honor.

11:40:42 2 THE COURT: Do you have any questions then -- again,
11:40:46 3 not to be redundant -- but any questions about those maximums,
11:40:51 4 the mandatory minimums, the terms of consecutive or
11:40:57 5 concurrent, or any questions about forfeiture, restitution, or
11:41:04 6 the mandatory special assessments?

11:41:05 7 THE DEFENDANT: No, Your Honor.

11:41:08 8 THE COURT: One other aspect of disposition that I
11:41:13 9 do want to just touch on -- it is also contained within your
11:41:17 10 Plea Agreement -- you do understand that as a result of these
11:41:20 11 convictions, if the Court accepts your pleas and makes
11:41:24 12 findings of guilty, you will, pursuant to the Sex Offender
11:41:31 13 Registration and Notification Act, be required to register as
11:41:33 14 a sex offender and to keep your registration current in the
11:41:37 15 jurisdictions where you reside or are employed or possibly a
11:41:41 16 student, and that registration must be kept current and must
11:41:46 17 be updated as required by the law. Do you understand that?

11:41:50 18 THE DEFENDANT: Yes, Your Honor.

11:41:53 19 THE COURT: Do you have any questions then -- I
11:42:01 20 covered a lot of stuff here, Mr. Jones. Do you have any
11:42:03 21 questions about those maximums, mandatory minimums, or any
11:42:07 22 other sanctions that the Court has shared with you that are
11:42:09 23 contained within your Plea Agreement in provisions 2 and 3?

11:42:14 24 THE DEFENDANT: No.

11:42:14 25 THE COURT: Mr. Patel, have I left anything out with

11:42:23 1 regard to disposition, the maximums, the mandatorys,
11:42:31 2 anything?

11:42:31 3 MR. PATEL: No, Your Honor. There is a provision in
11:42:34 4 there further discussing supervised release, saying what it
11:42:37 5 is, but I think it's self-explanatory.

11:42:40 6 THE COURT: Mr. Rion, anything?

11:42:41 7 MR. RION: No, Your Honor.

11:42:41 8 THE COURT: Well, let's talk a little bit about
11:42:43 9 then, Mr. Jones, how the Court comes up with the disposition.
11:42:48 10 The Court comes up with a disposition, obviously I have
11:42:53 11 certain parameters here because there are mandatory minimums,
11:42:56 12 but within the mandatory minimums and the maximums, the Court
11:42:59 13 does have discretion. The Court has discretion with regard to
11:43:05 14 consecutive and concurrent with all but Count 13 of the
11:43:13 15 charges contained within the Superseding Indictment.

11:43:17 16 But the Court, in considering its discretions, in looking
11:43:23 17 at the discretion, has to consider seven factors of sentencing
11:43:27 18 when I look at these offenses. One, I need to look at the
11:43:31 19 nature and circumstance of the offense, and that simply means
11:43:34 20 that I attempt to find out everything that has occurred as
11:43:39 21 part of these violations and these offenses.

11:43:43 22 I also look at you, try to find out everything I can
11:43:51 23 about you, your history, your characteristics, your
11:43:54 24 background. It's important that I understand what exactly
11:43:56 25 happened with regard to these violations and who you are and

11:43:59 1 how this all came about. Once I have a -- what I hope to be a
11:44:08 2 complete picture of that, then the Court looks to see what
11:44:11 3 types of sentences are available to me. Obviously, I have
11:44:16 4 already talked to you about the mandatory minimums. I have
11:44:19 5 talked to you about the maximums. But within that, as I have
11:44:23 6 indicated, I do have discretion. I look to see what types of
11:44:26 7 sentences, based upon the nature and circumstance of the
11:44:28 8 offense, your history, your characteristics, and background,
11:44:32 9 what is the sentence that is available to me that meets the
11:44:37 10 goals of sentencing but is not more than is necessary.

11:44:41 11 The Court, in looking at the types of sentences that are
11:44:44 12 available to me, also means that I look to see -- or I make
11:44:50 13 comparisons with other situations, other individuals who are
11:44:54 14 similarly situated. Every case, every charge is different;
11:44:57 15 however, there are some similarities between certain
11:45:02 16 situations, between certain individuals with a similar type of
11:45:07 17 violation, with a similar type of education, background,
11:45:10 18 experience. So I try to not only be just in imposing a
11:45:16 19 sentence, I not only try to impose a sentence that meets the
11:45:20 20 goals of sentencing but not more than necessary, but I also
11:45:23 21 try to be as consistent as possible.

11:45:28 22 My objective, Mr. Jones, in considering these violations,
11:45:32 23 in considering the disposition for these violations, is to
11:45:35 24 impose a just sentence, a just sentence for you, a just
11:45:39 25 sentence for society, a sentence that reflects the seriousness

11:45:44 1 of these offenses and promotes respect for the law.

11:45:48 2 I always say that I start out with a rebuttable
11:45:52 3 presumption that an individual who violates the law didn't,
11:45:55 4 one, appreciate the seriousness of what he or she was doing
11:45:58 5 and they didn't respect the law. I need to know where you are
11:46:03 6 at now. I need to know from you and Mr. Rion where you are
11:46:08 7 with regard to your understanding or your appreciation of the
11:46:14 8 seriousness of these offenses because that directly impacts
11:46:21 9 the other factors of sentencing and when I consider what is an
11:46:25 10 adequate deterrent for further criminal conduct of a
11:46:30 11 defendant, what is necessary to protect the public from
11:46:37 12 further crimes of this individual.

11:46:43 13 So it's important in me looking at those factors that I
11:46:49 14 also understand has an individual gained any appreciation, has
11:46:55 15 he gained any appreciation for the seriousness of what he or
11:46:57 16 she has done and have they gained respect for the law.
11:47:03 17 Because it is important for me to be convinced that I am
11:47:07 18 imposing a just sentence for not only an individual but
11:47:13 19 society in general.

11:47:15 20 I not only look to do what I can do to a person, I also
11:47:19 21 look to what I can do for a person. I will also consider as
11:47:24 22 part of any disposition, is there a need for further type of
11:47:28 23 education or vocational training? Is there any type of need
11:47:30 24 for medical care or other type of correctional treatment? And
11:47:33 25 the Court will look closely at that.

11:47:36 1 Of course, restitution is a factor. And the Court would
11:47:43 2 consider that.

11:47:47 3 Mr. Jones, do you have any questions about what I am
11:47:49 4 going to be thinking about, what I am going to be considering
11:47:51 5 in coming up with a disposition?

11:47:54 6 THE DEFENDANT: No, Your Honor.

11:47:57 7 THE COURT: The final factor the Court does look at
11:47:59 8 is a guideline calculation under the sentencing guidelines.

11:48:08 9 Mr. Rion, have you had the opportunity to talk with
11:48:11 10 Mr. Jones about the guidelines, how they work generally, and
11:48:15 11 how they may affect Mr. Jones?

11:48:17 12 MR. RION: Yes, Your Honor.

11:48:18 13 THE COURT: Could you just share with the record a
11:48:20 14 brief summary of that discussion, and so that we can share
11:48:28 15 that with the record so that I understand that Mr. Jones has
11:48:32 16 some comprehension of how that guideline factor works and how
11:48:37 17 it could affect the Court's consideration of his dispositions.

11:48:41 18 MR. RION: Your Honor, for many of the counts that
11:48:44 19 are contained in the Plea Agreement, the total offense level
11:48:49 20 in the case would be a 48. And after acceptance of
11:48:56 21 responsibility, I suppose that could be a 45. And for those
11:48:58 22 counts, the suggested range would be life. For other counts
11:49:03 23 in the Indictment, the guideline range could be a level 36 for
11:49:10 24 a total offense level, which would yield a layer of 210 to 262
11:49:16 25 months.

11:49:18 1 I believe that Mr. Jones, his criminal history category
11:49:23 2 could be categorized as level II, and those guideline ranges
11:49:28 3 that I previously mentioned would be indicative of somebody
11:49:31 4 that had two criminal history points.

11:49:37 5 THE COURT: During your discussions with Mr. Jones,
11:49:40 6 do you believe, Mr. Rion, that Mr. Jones understood your
11:49:44 7 explanation of the guidelines, how they work generally, how
11:49:48 8 you made these calculations and came up with these estimates
11:49:54 9 with regard to the offense levels, the criminal history
11:49:56 10 categories, and the advisory ranges of sentence?

11:50:00 11 MR. RION: We spent a lot of time, Your Honor,
11:50:02 12 looking through the guidelines and the other factors of
11:50:05 13 sentencing, and the statutory maximums are related to the
11:50:09 14 various counts.

11:50:10 15 THE COURT: And he understands that, of course,
11:50:12 16 these guideline calculations must, of course, be considered
11:50:22 17 within the parameters of mandatory minimums and maximums?

11:50:28 18 MR. RION: Yes, Your Honor.

11:50:28 19 THE COURT: And he understands how that -- you are
11:50:31 20 confident that he understands how that affects those
11:50:38 21 calculations?

11:50:38 22 MR. RION: Yes, Your Honor.

11:50:39 23 THE COURT: Mr. Jones, is that right?

11:50:42 24 THE DEFENDANT: Yes, Your Honor.

11:50:43 25 THE COURT: You have talked at length with Mr. Rion

11:50:45 1 about the guidelines, how they work generally. Basically my
11:50:48 2 simple explanation in many cases is just that there is a score
11:50:51 3 for every violation. That can be raised or lowered by certain
11:50:57 4 characteristics, certain adjustments. There is a criminal
11:51:02 5 history category that is determined by an individual's
11:51:06 6 criminal history. You take those two numbers and you go to a
11:51:08 7 chart within the guidelines and come up with an advisory
11:51:10 8 range. In your case, it's a little more complicated. As we
11:51:13 9 have discussed here and as Mr. Rion has talked with you about,
11:51:18 10 we have some mandatory minimums to deal with. We have
11:51:20 11 numerous, we have numerous counts. Do you believe that you
11:51:24 12 fully understand what Mr. Rion has talked to you about?

11:51:27 13 THE DEFENDANT: Yes, Your Honor.

11:51:28 14 THE COURT: Mr. Patel, anything to add with regard
11:51:31 15 to the guidelines?

11:51:32 16 MR. PATEL: Given that it's a child exploitation
11:51:39 17 offense, Your Honor, there is one other thing maybe that needs
11:51:42 18 mentioned, which is that the offenses will be treated
11:51:45 19 separately and there will be adjustments made because of the
11:51:51 20 number of victims, and so there will be increases. I am
11:51:56 21 referring to the counts where counsel was referring to a
11:51:59 22 guideline range of anything other than life. Those could be
11:52:03 23 increased even higher because of the adjustments involving the
11:52:06 24 number of victims. In short, the grouping rules just won't
11:52:10 25 help the defendant in this case.

11:52:14 1 THE COURT: Mr. Rion.

11:52:16 2 MR. RION: Mr. Jones is well aware of this and what
11:52:20 3 the guidelines could be suggesting.

11:52:28 4 THE COURT: Counsel approach.

11:52:30 5 (Sidebar off the record.)

11:53:49 6 THE COURT: Mr. Jones, do you have any other -- any
11:53:54 7 questions whatsoever with regard to disposition, meaning
11:53:58 8 penalties for each of these counts, the maximum penalties that
11:54:02 9 could be imposed, the mandatory minimum for any of the counts,
11:54:08 10 the consecutive or concurrent options that the Court has with
11:54:14 11 regard to many of the counts, but not to Count 13, do you have
11:54:18 12 any questions about the calculation, how the guidelines work,
11:54:23 13 and how it has been explained to you and how that could affect
11:54:26 14 the Court's consideration of your disposition? Do you have
11:54:29 15 any questions about that?

11:54:31 16 THE DEFENDANT: No. I fully understand.

11:54:33 17 THE COURT: Give me just a second.

11:54:43 18 Anything further with regard then to disposition that the
11:55:00 19 Court has left out, Mr. Patel?

11:55:03 20 MR. PATEL: No, Your Honor.

11:55:04 21 THE COURT: Mr. Rion?

11:55:05 22 MR. RION: No, Your Honor.

11:55:06 23 THE COURT: Well, let's talk about just a couple
11:55:08 24 other areas, Mr. Jones. You understand that you don't have to
11:55:12 25 plead guilty to these counts. You can plead not guilty, go to

11:55:16 1 jury trial. We would select a jury, and we would place the
11:55:21 2 burden upon the government to prove each and every count, each
11:55:26 3 and every element of that count beyond a reasonable doubt.
11:55:30 4 You don't have a burden. You don't have to prove anything.
11:55:32 5 You don't have to say or do anything. They have the burden.
11:55:37 6 It's the highest burden in the law. And it's up to them to
11:55:40 7 prove each and every element of every count.

11:55:44 8 You have the right to sit at counsel table, say nothing,
11:55:48 9 do nothing. You have no burden to prove anything. Your
11:55:52 10 counsel can fully participate in the trial. He can see the
11:55:56 11 government's evidence. He can cross-examine all the
11:55:58 12 government's witnesses. He can argue your case before the
11:56:02 13 jury. If he felt that there were witnesses to call on your
11:56:07 14 behalf, he could call them. If they were hesitant to appear,
11:56:11 15 I would compel them to at least attend.

11:56:15 16 Again, he could argue your case before the jury, and if
11:56:17 17 the jury, after that guaranteed process and all the rights
11:56:22 18 have been exercised by you, the jury returns a verdict or
11:56:25 19 verdicts of guilty against you, you'd have a right to appeal
11:56:30 20 that verdict or those verdicts to the Court of Appeals.

11:56:33 21 Now that process, all those rights are Robert Steven
11:56:42 22 Jones'. They're no one else's. They're yours. No one can
11:56:44 23 take them from you. They can't take them from you; I can't
11:56:47 24 take them from you. But you can give them up. And one way to
11:56:49 25 give them up with regard to these counts to which you are

11:56:52 1 tendering pleas is to go forward and enter these pleas. Do
11:56:56 2 you understand?

11:56:57 3 THE DEFENDANT: Yes, Your Honor.

11:56:57 4 THE COURT: Do you have any questions about the
11:57:01 5 process, those rights, or the fact that by entering pleas to
11:57:03 6 these counts, you are giving up that process and those rights?

11:57:07 7 THE DEFENDANT: No, Your Honor.

11:57:07 8 THE COURT: You are doing this pursuant to a Plea
11:57:14 9 Agreement, or you are entering these pleas pursuant to a Plea
11:57:17 10 Agreement. Your Plea Agreement, a copy of which I have in
11:57:19 11 front of me, is seven pages long, including the signature
11:57:30 12 page, and contains 15 provisions. Have you, with the
11:57:35 13 assistance of Mr. Rion, reviewed carefully each and every
11:57:41 14 provision on each and every page of this Plea Agreement?

11:57:45 15 THE DEFENDANT: Yes, Your Honor.

11:57:47 16 THE COURT: And when you read over this Plea
11:57:49 17 Agreement, each and every provision, and looked at them very
11:57:52 18 carefully, if you had any questions, did you discuss those
11:57:58 19 questions and address your concerns to Mr. Rion, and was he
11:58:01 20 able to answer your questions and help you with your concerns?

11:58:03 21 THE DEFENDANT: Yes.

11:58:06 22 THE COURT: At this point in time, after your
11:58:07 23 discussions and after your complete review of the Plea
11:58:09 24 Agreement, do you have any questions about any of the
11:58:11 25 provisions in the Plea Agreement at this time?

11:58:13 1 THE DEFENDANT: No, Your Honor.

11:58:14 2 THE COURT: Now, I am not going to review each and
11:58:17 3 every provision because you have said that you have read --
11:58:20 4 you have read them over. You have reviewed them with the help
11:58:22 5 of Mr. Rion, and you understand them. But the Court would
11:58:29 6 point out provision 1 does have the counts to which you are
11:58:34 7 entering -- they enumerate the counts to which you are
11:58:39 8 entering pleas of guilty -- Counts 1, 2, 3, 4, 5, 6, 7, 9, 10,
11:58:46 9 11, and 13 -- and the violations of law that are contained
11:58:53 10 within those counts.

11:58:57 11 However, it also talks about the fact that you are
11:59:01 12 entering this plea as a conditional plea. You are entering
11:59:05 13 this plea conditionally on the fact that you are reserving
11:59:11 14 your right to have appellate review of the Court's order
11:59:19 15 denying your previously filed motion to suppress, your motion
11:59:26 16 for a Franks hearing, and your motion to compel discovery.
11:59:33 17 Those are documents 60, 77, and 83. Is that your
11:59:44 18 understanding of your -- the conditions of your plea?

11:59:54 19 THE DEFENDANT: Yes, Your Honor.

11:59:54 20 THE COURT: Mr. Patel, is that your understanding,
11:59:57 21 the government's understanding?

11:59:59 22 MR. PATEL: Yes, it is.

12:00:00 23 THE COURT: So although you will be entering pleas
12:00:03 24 of guilty pursuant to this Plea Agreement, you are retaining
12:00:06 25 the right to appeal those rulings by the Court. Any questions

12:00:12 1 about that?

12:00:13 2 THE DEFENDANT: No, Your Honor.

12:00:13 3 THE COURT: Provision 2 -- again, I am not going to
12:00:17 4 review the whole thing -- but provision 2 talks about those
12:00:22 5 maximum penalties for each of the counts, the mandatory
12:00:26 6 minimums, the two terms of supervision, the possible fines,
12:00:33 7 special assessments, the fact that forfeiture applies, as well
12:00:38 8 as restitution. And you have reviewed that provision,
12:00:43 9 provision 2, and you understand all of those, all of those
12:00:48 10 provisions with regard to penalties, forfeitures, restitution,
12:00:53 11 and special assessments; is that correct?

12:00:55 12 THE DEFENDANT: Yes, Your Honor.

12:00:56 13 THE COURT: Under provision 3, it talks about,
12:00:59 14 again, the SORNA act; the fact that these convictions will
12:01:02 15 require you to register and to keep that registration current.
12:01:10 16 It goes through those specifics with regard to SORNA, as well
12:01:14 17 as supervision by the Court on supervised release. Obviously,
12:01:22 18 any violations of SORNA or any mandatory or other requirements
12:01:30 19 that are placed upon you by the Court can result in sanctions,
12:01:35 20 including a revocation of your supervision and further
12:01:38 21 incarceration. And you understand that?

12:01:39 22 THE DEFENDANT: Yes, Your Honor.

12:01:40 23 THE COURT: Do you have any questions about that?

12:01:43 24 THE DEFENDANT: No.

12:01:44 25 THE COURT: Provision 7 just states that there is no

12:01:50 1 agreement with regard to sentencing in this case, and that's
12:01:54 2 your understanding, too; is that right?

12:01:56 3 THE DEFENDANT: Yes, Your Honor.

12:01:57 4 THE COURT: 8 talks about forfeiture. It lists a
12:02:02 5 number of personal items that you have agreed to forfeit in
12:02:09 6 addition to any visual depictions that were part of this, part
12:02:14 7 of this matter. And you understand the forfeiture provision?

12:02:21 8 THE DEFENDANT: Yes, Your Honor.

12:02:22 9 THE COURT: And you waive any and all interests
12:02:24 10 through that provision and any claims to any of that property.
12:02:27 11 You understand that?

12:02:27 12 THE DEFENDANT: Yes.

12:02:28 13 THE COURT: Do you have any questions about that?

12:02:30 14 THE DEFENDANT: No, Your Honor.

12:02:34 15 THE COURT: Well, let me ask you this, Mr. Jones:
12:02:39 16 Do you have any questions at all? We have looked at those
12:02:42 17 provisions, and I am pointing those provisions out just
12:02:46 18 because I want to share those with the record. It doesn't
12:02:48 19 make those provisions any less or more important than any of
12:02:52 20 the other provisions.

12:02:53 21 You have indicated to me that you have reviewed your Plea
12:02:55 22 Agreement completely. You have reviewed each and every
12:02:57 23 provision. You have reviewed it with the help of Mr. Rion,
12:03:00 24 and you fully understand the provisions contained within the
12:03:02 25 Plea Agreement and the Plea Agreement as a whole; is that

12:03:07 1 correct?

12:03:07 2 THE DEFENDANT: Yes, Your Honor.

12:03:08 3 THE COURT: Mr. Rion, you have talked with Mr. Jones
12:03:10 4 about the Plea Agreement. Do you believe he fully understands
12:03:12 5 all of the provisions of the Plea Agreement and that the Plea
12:03:14 6 Agreement is acceptable to him?

12:03:16 7 MR. RION: Yes, Your Honor.

12:03:17 8 THE COURT: Do you believe that any questions or
12:03:20 9 concerns that he has expressed have been answered?

12:03:26 10 MR. RION: Yes.

12:03:26 11 THE COURT: Mr. Patel, the Plea Agreement is
12:03:27 12 acceptable to the government?

12:03:29 13 MR. PATEL: It is, Your Honor.

12:03:29 14 THE COURT: Back to you, Mr. Jones. We have talked
12:03:31 15 about the Plea Agreement now and its provisions. We have
12:03:35 16 talked about your understanding of it, your review of it with
12:03:38 17 the help of Mr. Rion. Is this Plea Agreement acceptable to
12:03:42 18 you, and do you wish it to be filed along with the Court's
12:03:47 19 acceptance of your pleas?

12:03:48 20 MR. RION: Yes, Your Honor.

12:03:49 21 THE COURT: What I'd like to do, if it has not
12:03:51 22 already been accomplished, although it appears it may have,
12:03:54 23 that we acknowledge Mr. Jones' acceptance of the Plea
12:03:58 24 Agreement and its provisions by having Mr. Jones, Mr. Rion,
12:04:03 25 and Mr. Patel sign the Plea Agreement -- it appears they all

12:04:06 1 have done so -- on page 7 of the Plea Agreement. And then
12:04:10 2 initial the bottom of each of the first six pages.

12:04:17 3 Now, my copy only has your initials at the bottom of page
12:04:22 4 1, Mr. Patel.

12:04:23 5 MR. PATEL: Your Honor, that has been rectified.
12:04:25 6 All pages now have been initialed by all parties. The
12:04:29 7 defendant has signed and dated the Plea Agreement, along with
12:04:33 8 his counsel, and it has been fully executed.

12:04:40 9 THE COURT: Mr. Jones, has anyone promised you
12:04:42 10 anything other than is contained within this Plea Agreement in
12:04:46 11 return for your plea?

12:04:48 12 THE DEFENDANT: No, Your Honor.

12:04:48 13 THE COURT: Has anyone done anything, said anything
12:04:53 14 that gives you the impression that something's going to happen
12:04:57 15 or not going to happen in return for your plea that is not
12:05:01 16 contained within this Plea Agreement?

12:05:02 17 THE DEFENDANT: No, Your Honor.

12:05:05 18 THE COURT: Is there anyone forcing you, compelling
12:05:07 19 you against your will to enter these pleas of guilty?

12:05:12 20 THE DEFENDANT: No.

12:05:14 21 THE COURT: You have discussed this case, these
12:05:16 22 charges with counsel. You have weighed your options. You
12:05:20 23 have weighed each and every one of these charges. And you
12:05:24 24 have decided that you wish to enter pleas of guilty to these
12:05:30 25 counts and that that decision is a voluntary decision on your

12:05:32 1 part; is that correct?

12:05:33 2 THE DEFENDANT: Yes, Your Honor.

12:05:34 3 THE COURT: Have you had any kind of drugs, alcohol,
12:05:39 4 medication within the last 24 hours?

12:05:42 5 THE DEFENDANT: No, Your Honor.

12:05:43 6 THE COURT: Clear-headed here this morning?

12:05:45 7 THE DEFENDANT: I am.

12:05:47 8 THE COURT: Understand everything the Court has
12:05:49 9 talked with you about?

12:05:50 10 THE DEFENDANT: Yes, Your Honor.

12:05:50 11 THE COURT: Everything that Mr. Rion's talked to you
12:05:52 12 about?

12:05:53 13 THE DEFENDANT: Yes.

12:05:53 14 THE COURT: Mr. Jones, are you entering these pleas
12:06:01 15 contained within this Superseding Indictment because you are,
12:06:07 16 in fact, guilty as charged?

12:06:09 17 THE DEFENDANT: Yes, Your Honor.

12:06:10 18 THE COURT: Mr. Rion, do you consider Mr. Jones
12:06:13 19 competent to enter these pleas?

12:06:16 20 MR. RION: I do.

12:06:16 21 THE COURT: Do you believe he understands everything
12:06:16 22 that we have discussed?

12:06:18 23 MR. RION: Yes.

12:06:19 24 THE COURT: Well, then, back to you, Mr. Jones, one
12:06:21 25 final time. You understand the facts that have been alleged

12:06:25 1 against you?

12:06:26 2 THE DEFENDANT: Yes, Your Honor.

12:06:26 3 THE COURT: Do you wish to proceed with your pleas?

12:06:28 4 THE DEFENDANT: Yes, Your Honor.

12:06:28 5 THE COURT: Mr. Jones, how do you wish to plead to

12:06:32 6 Count 1, which charges you with the production of child

12:06:35 7 pornography, in violation of 18, United States Code, 2251(a)

12:06:40 8 and (e)?

12:06:41 9 THE DEFENDANT: Guilty, Your Honor.

12:06:42 10 THE COURT: How do you wish to plead to Count 2,

12:06:46 11 which charges you with production of child pornography, in

12:06:50 12 violation of 18, United States Code, 2251(a) and (e)?

12:06:53 13 THE DEFENDANT: Guilty.

12:06:54 14 THE COURT: Mr. Jones, how do you wish to plead to

12:06:57 15 Count 4, which charges you with production of child

12:06:59 16 pornography, a violation of 18, United States Code, 2251(a)

12:07:04 17 and (e)?

12:07:05 18 THE DEFENDANT: Guilty.

12:07:05 19 THE COURT: How do you wish to plead to Count 5,

12:07:08 20 which charges you with production of child pornography, a

12:07:11 21 violation of 18, United States Code, 2251(a) and (e)?

12:07:16 22 THE DEFENDANT: Guilty.

12:07:16 23 THE COURT: How do wish to plead to Count 7, which

12:07:18 24 charges you with production of child pornography, a violation

12:07:20 25 of 18, United States Code, 2251(a) and (e)?

12:07:24 1 THE DEFENDANT: Guilty.

12:07:25 2 THE COURT: How do you wish to plead to Count 9,
12:07:27 3 which charges you with production of child pornography, a
12:07:30 4 violation of 18, United States Code, 2251(a) and (e)?

12:07:34 5 THE DEFENDANT: Guilty.

12:07:34 6 THE COURT: How do you wish to plead to Count 10,
12:07:38 7 which charges you with production of child pornography, a
12:07:40 8 violation of 18, United States Code, 2251(a) and (e)?

12:07:44 9 THE DEFENDANT: Guilty.

12:07:45 10 THE COURT: And how do you wish to plead to Count
12:07:47 11 11, which charges you with production of child pornography, a
12:07:50 12 violation of 18, United States Code, 2251(a) and (e)?

12:07:54 13 THE DEFENDANT: Guilty.

12:07:55 14 THE COURT: Mr. Jones, how do you wish to plead to
12:07:58 15 Count 3, which charges you with coercion and enticement of a
12:08:01 16 minor, a violation of 18, United States Code, 2422(b)?

12:08:05 17 THE DEFENDANT: Guilty.

12:08:05 18 THE COURT: How do you wish to plead to Count 6,
12:08:07 19 which charges you with coercion and enticement of a minor, in
12:08:10 20 violation of 18, United States Code, 2422(b)?

12:08:13 21 THE DEFENDANT: Guilty.

12:08:13 22 THE COURT: And, finally, how do you wish to plead
12:08:16 23 to Count 13, which charges you with commission of a felony
12:08:19 24 offense involving a minor by a person required to register as
12:08:22 25 a sex offender, a violation of 18, United States Code, 2260A?

12:08:29 1 THE DEFENDANT: Guilty.

12:08:29 2 THE COURT: Thank you.

12:08:34 3 Based upon the Court's discussion with Mr. Jones over the
12:08:37 4 last hour, the Court makes the following findings -- and based
12:08:45 5 upon his appearance and demeanor in the courtroom, the Court
12:08:48 6 does make the following findings:

12:08:49 7 I find that he is in full possession of his faculties and
12:08:52 8 is competent to enter his pleas of guilty.

12:08:55 9 The Court finds that he is not under any apparent
12:08:57 10 influence of narcotics, hallucinogens, alcohol, or medication.

12:09:00 11 The Court finds that he understands the nature of these
12:09:03 12 charges to which he has pled and the penalties that are
12:09:07 13 provided by law for these violations.

12:09:10 14 The Court finds that he understands all of his
12:09:13 15 constitutionally guaranteed processes and rights.

12:09:16 16 The Court finds that he knowingly, intelligently, and
12:09:20 17 voluntarily by entering these pleas of guilty gives up those
12:09:24 18 processes and rights.

12:09:27 19 The Court finds that he is aware of the Plea Agreement to
12:09:31 20 which he has entered and the provisions of that Plea
12:09:37 21 Agreement, and I further find that the Plea Agreement and
12:09:40 22 those provisions are acceptable to him.

12:09:43 23 The Court finds that based upon the reading of the
12:09:46 24 factual statement upon the record, attachment to the Plea
12:09:51 25 Agreement, that there is a factual basis for his pleas of

12:09:54 1 guilty to all charges.

12:09:56 2 And the Court finds that he has pled guilty to those
12:09:59 3 charges voluntarily because as he's indicated here upon the
12:10:03 4 record, he is, in fact, guilty as charged.

12:10:06 5 Therefore, the Court does accept his pleas of guilty, and
12:10:09 6 they will be made a permanent part of the record in this case.

12:10:13 7 Based upon those pleas that the Court has now accepted,
12:10:16 8 the Court does find this defendant, Robert Steven Jones,
12:10:21 9 guilty in Counts 1, 2, 4, 5, 7, 9, 10, and 11 of production of
12:10:32 10 child pornography, a violation of 18, United States Code,
12:10:36 11 2251(a) and (e).

12:10:38 12 The Court further finds this defendant, Robert Steven
12:10:42 13 Jones, guilty of coercion and enticement of a minor, in
12:10:47 14 violation of 18, United States Code, 2422(b), in Counts 3 and
12:10:53 15 6 of the Superseding Indictment.

12:10:56 16 And, finally, the Court does find this defendant, Robert
12:10:59 17 Steven Jones, guilty of commission of a felony offense
12:11:02 18 involving a minor by a person required to register as a sex
12:11:05 19 offender, a violation of 18, United States Code, 2260A, as
12:11:11 20 charged in Count 13 of the Superseding Indictment.

12:11:15 21 Now, Mr. Jones, the Court has accepted your pleas. I've
12:11:27 22 made findings of guilty. I am going to refer the matter for a
12:11:30 23 presentence investigation. However, the Court is considering
12:11:32 24 at this time determining whether or not to send you to have an
12:11:35 25 evaluation done as part of the dispositional process. The

12:11:40 1 Court will be setting -- or will be contacting counsel and
12:11:44 2 will be setting an appropriate disposition date as soon as we
12:11:47 3 understand what the parameters of the evaluation will be and
12:11:53 4 what we are looking at.

12:11:56 5 MR. RION: Your Honor, we are orally requesting.
12:11:59 6 Would you prefer something in writing as to that evaluation?

12:12:02 7 THE COURT: No, I don't think it's necessary.

12:12:04 8 MR. RION: Okay.

12:12:05 9 THE COURT: I think the Court can order that on its
12:12:08 10 own.

12:12:08 11 MR. RION: Thank you.

12:12:09 12 THE COURT: There is no objection from the
12:12:10 13 government, is there?

12:12:11 14 MR. PATEL: No, Your Honor.

12:12:12 15 THE COURT: So I guess what I am saying to you,
12:12:14 16 Mr. Jones, is we are going to try to get you to disposition as
12:12:17 17 quickly as we can. But I really, truly believe that the Court
12:12:21 18 needs maybe some more information, and I believe that it's
12:12:25 19 always -- I never believe the Court can have too much
12:12:29 20 information, and so I am going to -- I am seriously
12:12:37 21 considering doing it. If for some reason the Court doesn't do
12:12:39 22 that, I guess I will let counsel know and if you want to file
12:12:42 23 a motion to that effect, but my plan is at this point in time,
12:12:45 24 I am going to refer the matter for an evaluation.

12:12:48 25 Mr. Jones, what that may entail, or will probably entail,

12:12:52 1 that you will be transferred to a facility within the Bureau
12:12:55 2 of Prisons for that evaluation. Do you understand?

12:12:57 3 THE DEFENDANT: Yes, Your Honor.

12:12:57 4 THE COURT: Do you have any questions about that?

12:13:00 5 THE DEFENDANT: No, Your Honor.

12:13:01 6 THE COURT: Counsel, any objections to the
12:13:06 7 disposition that have not been previously raised?

12:13:14 8 MR. PATEL: May I --

12:13:18 9 THE COURT: Do you want to approach?

12:13:21 10 MR. PATEL: Yeah.

12:13:22 11 (Sidebar off the record.)

12:13:43 12 THE COURT: Mr. Jones, we were talking about
12:13:44 13 disposition, so I went a little bit astray there. We are
12:13:49 14 going to refer this, we are going to get these reports. We
12:13:52 15 are going to -- there will be reports and recommendations then
12:13:56 16 issued by probation. They are going to be sent to both you
12:14:00 17 and the government, copies.

12:14:02 18 The Court will get a report with any evaluations that we
12:14:08 19 may have ordered, and so the Court will then review that. You
12:14:13 20 will have an opportunity to review those as well as the
12:14:15 21 government will, and will have an opportunity to respond,
12:14:18 22 reply, object to any portions of those things. And the Court,
12:14:24 23 based upon the information that the Court receives -- and, of
12:14:29 24 course, counsel will have the opportunity to contribute or to
12:14:36 25 suggest how we may want to proceed at the time of disposition.

12:14:40 1 But we will be setting the matter for disposition at the
12:14:43 2 earliest possible date once we have received the evaluation,
12:14:48 3 once we have received the report and recommendations from
12:14:50 4 probation and counsel have had an opportunity to respond or
12:14:55 5 reply.

12:14:55 6 Do you have any questions about that?

12:14:57 7 THE DEFENDANT: No, Your Honor.

12:14:58 8 THE COURT: Mr. Rion?

12:14:59 9 MR. RION: Your Honor, will we do the presentence
12:15:07 10 investigation before or after the evaluation the Court orders?

12:15:09 11 THE COURT: I am not sure of that. But I will make
12:15:11 12 sure that everyone has an opportunity to see everything that
12:15:13 13 the Court is considering with regard to disposition and will
12:15:15 14 have an opportunity to respond or reply with regard to that.

12:15:20 15 MR. RION: Nothing further. Thank you, Judge.

12:15:22 16 THE COURT: Mr. Patel?

12:15:23 17 MR. PATEL: Nothing further, Your Honor. Thank you.

12:15:25 18 THE COURT: So we will be setting a date as quickly
12:15:28 19 as we can, Mr. Jones, all right? Do you have any questions?

12:15:32 20 THE DEFENDANT: No, Your Honor.

12:15:33 21 THE COURT: That will be all. Thank you.

12:15:35 22 THE COURTROOM DEPUTY: All rise. This court stands
12:15:37 23 in recess.

12:15:38 24 (Proceedings concluded at 12:15 p.m.)

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1 CERTIFICATE OF REPORTER

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3 I, Mary A. Schweinhagen, Federal Official Realtime
4 Court Reporter, in and for the United States District Court
5 for the Southern District of Ohio, do hereby certify that
6 pursuant to Section 753, Title 28, United States Code that the
7 foregoing is a true and correct transcript of the
8 stenographically reported proceedings held in the
9 above-entitled matter and that the transcript page format is
10 in conformance with the regulations of the Judicial Conference
11 of the United States.

12
13 s/Mary A. Schweinhagen

14 _____ March 20, 2018

15 MARY A. SCHWEINHAGEN, RDR, CRR
16 FEDERAL OFFICIAL COURT REPORTER
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